

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

Claim Objections

The Office Action objects to claims 1, 18, 61, and 67 under 37 C.F.R. 1.75 for lacking a preamble having a traditional phrase and because each element or step of the claim should be separated by a line indentation.

Applicant notes that claims 1, 18, 61, and 67 each contain the transitional phrase "comprising". Further, Applicant has reviewed 37 C.F.R. 1.75 and fails to see any requirement that each element or step of the claim be separated by a line indentation.

Accordingly, Applicant submits that claims 1, 18, 61, and 67 satisfy 37 C.F.R. 1.75.

Applicant respectfully requests that the claim objections be withdrawn.

35 U.S.C. § 102

Claims 1-6, 8-10, 12, 18, 20-25, 27-35, 57, 58, 60-67, and 69-71 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,599,194 to Smith et al. (hereinafter "Smith"). Applicant respectfully submits that claims 1-6, 8-10, 12, 18, 20-25, 27-35, 57, 58, 60-67 and 69-71 are not anticipated by Smith.

Smith discloses:

An existing video game system is modified to include additional communication and storage capability via a modem and hard disk drive. The modification may involve the use of an expansion device coupled to a video game system port. A cable TV tuner is also included in the expansion device to assist in providing a unique picture-in-picture video capability. TV signals are coupled to the expansion device via the RF input from either cable TV or off-air signals. These RF signals are blended with the output signals from the video game system. A user may, for example, watch TV while viewing overlay information from the video game console. A user may receive a TV channel guide downloaded via the Internet, spot a program which the user desires to view and immediately access, via an IR input, the desired channel through the expansion device TV tuner. A user may also watch TV while simultaneously logging onto the Internet. A hard drive permits downloading from the Internet of entire games.

Smith Abstract.

Although Smith mentions a hard disk drive, the Smith reference fails to disclose the elements of amended claim 1.

Claim 1, as amended, recites:

A game console comprising a hard disk drive that is non-removable from the game console and that stores a console application to which the game console boots that presents a graphical user interface providing navigation to media on the game console, wherein the hard disk drive has a user data region and an application region.

The Smith reference fails to disclose or suggest "... the hard disk drive has a user data region and an application region" as recited in claim 1. Although Smith mentions the use of a hard disk drive, the Smith reference fails to disclose a hard disk drive having a user data region and an application region. Smith mentions

storing various types of data on a hard disk drive. However, storing various types of data on a hard disk drive does not disclose a disk drive having a user data region and an application region. Applicant submits that Smith fails to disclose the hard disk drive as recited in claim 1.

In rejecting claim 1, the Office Action cites Fig. 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46 and 54-67, and Column 25, lines 3-22 of the Smith reference. Regarding Fig. 4, the figure shows an expansion device that includes a hard disk drive 206. However, Fig. 4 fails to disclose a user data region and an application region. Regarding Column 1, lines 17-18, the cited text discusses a home video game system that includes a hard disk drive. This cited text lacks any reference to a user data region and an application region.

Regarding Column 2, lines 34-38, the cited text discloses "...a mass storage device such as a hard disk drive to permit the downloading of entire games into the mass storage device." This text fails to disclose a hard disk drive having a user data region and an application region.

Regarding Column 3, lines 40-46, the cited text discloses that the described video game system may alternatively be packaged in a common integrated housing and sold as a single unit. This disclosure does not mention the hard disk drive or its contents. Regarding Column 3, lines 54-67, the cited text mentions that the system may start under control of a program resident on the hard disk drive. The cited text also mentions that the expansion device may include a modem and a hard disk drive, and allows a video game player to surf the World Wide Web. This cited text fails to disclose a hard disk drive having a user data region and an application region.

Regarding Column 25, lines 3-22, the cited text discusses the decryption and execution of games as well as displaying options to the user to execute various application programs. This text does not disclose a hard disk drive having a user data region and an application region.

Thus, the portions of Smith relied on by the Office Action fail to disclose the elements of claim 1.

In response to Applicant's previous arguments, the Office Action further states, "First, Smith discloses each of the structural limitations or elements as claimed. Second, the limitation in question is a functional limitation or intended use limitation that can inherently be performed by Smith." (Office Action, Pages 13-14, Paragraph 9). Applicant respectfully submits that the recitation of a user data region and an application region in amended claim 1 is not a functional limitation or an intended use limitation. Claim 1, as amended, positively recites that "the hard disk drive has a user data region and an application region." This language is not a functional limitation nor an intended use limitation. Instead, this language describes a structural characteristic of the hard disk drive.

Applicant submits that the Smith reference does not disclose the elements of claim 1. Thus, for at least these reasons, Applicant respectfully submits that claim 1 is allowable over Smith. Given that claims 2-6, 8-10 and 12 depend from claim 1, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 18, as amended, recites:

A game console comprising a processor and a hard disk drive coupled to the processor, wherein the hard disk drive stores a console application to which the game console boots, and wherein the hard disk drive is configured to store application data such that data associated with a first application is inaccessible to other applications.

The Smith reference fails to disclose a game console having a hard disk drive that is “configured to store application data such that data associated with a first application is inaccessible to other applications.” Although Smith discloses a hard disk drive, the Smith reference does not disclose a hard disk drive that stores data such that a first application’s data is inaccessible to other applications.

In rejecting claim 18, the Office Action cites Fig. 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46 and 54-67, Column 25, lines 3-22, and Column 17, lines 12-42 of the Smith reference. Fig. 4 and the text associated with the cited portions of Columns 1, 2, 3 and 25 are discussed above with respect to claim 1. Applicant submits that Fig. 4 and the text associated with the cited portions of Columns 1, 2, 3 and 25 fail to disclose a hard disk drive that is configured to store data such that a first application’s data is inaccessible to other applications.

Regarding Column 17, lines 12-42, the cited text discloses generation of picture-in-picture (PIP) image and discusses the handling of video data. This text does not disclose storing application data such that data associated with a first application is inaccessible to other applications.

In response to Applicant’s previous arguments, the Office Action further states, “the limitation in question is a functional limitation or intended use

limitation that can inherently be performed by Smith.” (Office Action, Page 14, Paragraph 11). Applicant respectfully submits that a hard disk drive configured to store application data in the manner recited in claim 18 is not a functional limitation or an intended use limitation. Claim 18, as amended, positively recites that “the hard disk drive is configured to store application data....” This language is not a functional limitation nor an intended use limitation. Instead, this language describes a physical characteristic of the hard disk drive.

Thus, the portions of Smith relied on by the Office Action fail to disclose the elements of claim 18. Applicant submits that the Smith reference does not disclose the elements of claim 18. Thus, for at least these reasons, Applicant respectfully submits that claim 18 is allowable over Smith. Given that claims 20 and 21 depend from claim 18, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 22 of the present application recites:

A video game system, comprising:
a processor; and

a hard disk drive coupled to the processor, the hard disk drive having: a first region to store user data that includes game data saved by a user of the video game system when the processor executes a video game; and a second region to store application data that includes data specific to the video game executed by the processor, wherein user data associated with the video game is segregated from user data associated with other video game applications and wherein the application data associated with the video game is segregated from application data associated with other video game applications.

The Smith reference fails to disclose a game console having a hard disk drive that has “a first region to store user data” and “a second region to store application data” as recited in claim 22. Further, Smith fails to disclose “wherein user data associated with the video game is segregated from user data associated with other video game applications and wherein the application data associated with the video game is segregated from application data associated with other video game applications” as recited in claim 22. Although Smith discloses a hard disk drive, the Smith reference does not disclose a hard disk drive that stores data in the manner recited in claim 22.

As discussed above with respect to claim 1, the Office Action cites Fig. 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46 and 54-67, and Column 25, lines 3-22 of the Smith reference in rejecting claim 22. As discussed above, these portions of Smith fail to disclose the elements of claim 22.

Further, as discussed above with respect to claim 1, Applicant respectfully submits that the recitation of a first region and a second region in amended claim 22 is not a functional limitation or an intended use limitation. Claim 22, as amended, positively recites that the hard disk drive has “a first region” and “a second region”. This language is not a functional limitation nor an intended use limitation. Instead, this language describes a structural characteristic of the hard disk drive.

Accordingly, Applicant submits that the Smith reference does not disclose the elements of claim 22. Thus, for at least these reasons, Applicant respectfully submits that claim 22 is allowable over Smith. Given that claims 23-25 depend

from claim 22, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 27 of the present application recites:

A method comprising:

identifying a game identifier associated with a video game installed in a game console, wherein the game console contains a hard disk drive;

determining portions of the hard disk drive that are associated with the video game based on the game identifier; and

preventing the video game from accessing portions of the hard disk drive that are not associated with the video game.

The Smith reference fails to disclose “preventing the video game from accessing portions of the hard disk drive that are not associated with the video game” as recited in claim 27. Although Smith discloses a hard disk drive accessed by various applications, Smith does not disclose preventing access in the manner recited in claim 27.

The Office Action alleges “Inherently, a game program is only going to request files called by the executable instructions and associated with the video game. Therefore, inherently, the video game would not access portions of the hard disk drive that are not associated with the game.” Office Action, pages 4-5. Applicant disagrees with this allegation. The Summary of the present application states, “The gaming system applies a storage hierarchy to the hard disk drive to prevent unauthorized access to data stored on the hard disk drive.” Application, page 2, lines 15-17. Thus, Applicant submits that the allegation in the Office Action is false and contrary to the disclosure of the present application. The Office Action fails to provide any reference to support this allegation. Further, the

Office Action fails to identify any reference that discloses “preventing the video game from accessing portions of the hard disk drive that are not associated with the video game” as recited in claim 27.

Accordingly, Applicant submits that the Smith reference does not disclose the elements of claim 27. Thus, for at least these reasons, Applicant respectfully submits that claim 27 is allowable over Smith. Given that claims 28-35 depend from claim 27, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 57 of the present application recites:

A computer-readable medium for a game console comprising computer-executable instructions that, when executed, direct the game console to:

associate user data with a first region of a hard disk drive contained in the game console;

associate video game application data with a second region of the hard disk drive;

allow a video game application to access particular portions of the first region that are associated with the video game application;

allow the video game application to access particular portions of the second region that are associated with the video game application; and

prevent the video game application from accessing portions of the first region and the second region that are associated with other applications.

As discussed above with respect to claim 27, the Smith reference fails to disclose preventing the video game application from accessing portions of the first region and the second region that are associated with other applications. Accordingly, for at least the reasons discussed above with respect to claim 27, Applicant respectfully submits that claim 57 is allowable over Smith. Given that claims 58

and 60 depend from claim 57, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 61 of the present application recites:

A video game system console comprising a common enclosure for both a processor and a hard disk drive, wherein the hard disk drive is a non-removable component of the common enclosure that must be present for the video game system console to boot to a video game console application that presents a graphical user interface providing a consistent user experience when navigating to different media types available on the video game system console.

The Smith reference fails to disclose a video game system console “wherein the hard disk drive is a non-removable component of the common enclosure that must be present for the video game system console to boot to a video game console application” as recited in claim 61. Although Smith discloses a hard disk drive with applications stored thereon, the Smith reference does not disclose a hard disk drive that must be present for the video game system console to boot, in the manner recited in claim 61. In contrast, Smith discloses:

...if a game cartridge 54 is inserted into the console 52, the system will start under control of the program resident in cartridge 54. Otherwise, it will start under control of a program resident on the hard disk drive embodied in expansion device 95 as described below. Col. 3, lines 51-56.

Thus, Smith discloses a system in which the system will start under control of a program resident in cartridge 54 or under control of a program resident on the hard disk drive. Therefore, Smith does not require that a hard disk drive be present to

boot the system because Smith can start under control of a program resident in a cartridge.

As discussed above with respect to claim 1, the Office Action cites Fig. 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46 and 54-67, and Column 25, lines 3-22 of the Smith reference in rejecting claim 61. As discussed above, these portions of Smith fail to disclose the elements of claim 61. The cited portions of Smith fail to disclose a video game system console in which the hard disk drive must be present for the video game system console to boot to a video game console application, as recited in claim 61.

Accordingly, Applicant submits that the Smith reference does not disclose the elements of claim 61. Thus, for at least these reasons, Applicant respectfully submits that claim 61 is allowable over Smith. Given that claims 62-66 depend from claim 61, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Claim 69, as amended, recites:

A game console comprising:
an input port for receiving input from a controller operable by a player to generate video game control signals;
an output port for outputting a display of three-dimensional video game play graphics for a television;
a processor for executing instructions of a video game program;
a controller system coupled to said input port and to said processor for executing commands related to the video game control signals;
a portable media reader for optically reading media to be executed by the processor so as to output to the output port a display of graphics in accordance with the media; and
a fixed disk in a non-removable hard disk drive in communication with the processor, the fixed disk including a boot sector for storing boot instructions to boot the processor to load an initial program, wherein:
upon booting the processor to load the initial program, the execution of the initial program by the processor outputs to the output port a display of a user interface that provides a prompt for selecting media to execute on the game console, wherein the processor will not boot without initially loading the initial program read from the fixed disk; and
processor executes instructions that are read from the selected media by the portable media reader.

The Smith reference fails to disclose a game console in which “the processor will not boot without initially loading the initial program read from the fixed disk” as recited in claim 69. As discussed above with respect to claim 61, the Smith reference discloses a system that can start under control of a program resident in a cartridge or under control of a program resident on the hard disk drive. In contrast to claim 69, Smith discloses a system that will boot without initially loading a program read from the fixed disk.

Accordingly, Applicant submits that the Smith reference does not disclose the elements of claim 69. Thus, for at least these reasons, Applicant respectfully

submits that claim 69 is allowable over Smith. Given that claims 70-71 depend from claim 69, Applicant respectfully submits that those claims are likewise allowable over Smith for at least the reasons discussed above.

Applicant respectfully requests that the §102 rejections be withdrawn.

35 U.S.C. § 103

Claims 13-17 and 67 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,280,327 to Leifer et al. (hereinafter “Leifer”). Applicant respectfully submits that claims 13-17 and 67 are patentable over Smith in view of Leifer.

Leifer discloses:

A wireless control unit includes a controller having at least one user operable switch and wireless transmitter circuitry for transmitting game information, including a auto activate start information, and a console interface having wireless receiver circuitry for receiving the game information, including the auto activate start information, form the controller and for modifying the game information so that an activate signal is continuously sent from the console interface to the console and at least one object in a game being played with the video game system is continuously activated. Leifer Abstract.

Claim 13 of the present application recites:

A game console comprising a housing that contains each of:
a portable media reader;
a processor; and
a hard disk drive coupled to the processor, the hard disk drive being configured to boot the game console and to store data associated with the game console, wherein the processor:

is coupled to receive video game instructions for a video game from portable media in the portable media reader; executes the video game using the game instructions read from the portable media in the portable media reader; is coupled to a controller to receive user commands when executing the video game; and sends video game data to the controller to be saved.

The Office Action admits that the Smith reference fails to disclose saving video game data to a game controller. Office Action, page 12. Further, Applicant submits that Leifer fails to disclose or suggest saving video game data to a game controller as recited in claim 13.

Leifer discloses a wireless controller that communicates with a console interface. Leifer discloses that a wireless controller may receive information from the console interface “to, for example, reconfigure the functions of the switches and information that provides interaction between the controller and a game being played.” Column 7, lines 15-17. This portion of Leifer fails to disclose or suggest the language of claim 13. Leifer discloses communicating information to a controller regarding configuring the controller. However, Leifer does not disclose a game console that sends video game data to the controller to be saved. Reconfiguring a controller is one type of operation and sending video game data to a controller to be saved is a different type of operation. Additionally, Leifer fails to suggest sending video game data to a controller to be saved. Reconfiguring a controller does not suggest that the controller can also receive video game data to be saved.

The Office Action cites Figs. 1 and 4, and Column 7, lines 1-33 of the Leifer reference in rejecting claim 13. The cited language mentions sending

reconfiguration information to a controller, but fails to disclose or suggest saving video game data to a controller.

At page 16 (paragraph 21), the Office Action further cites column 5, lines 5-14, and figures 1 and 4 of Leifer to support saving video game data to a controller. Column 5, lines 5-14 of Leifer state:

Game information from the controller 20 and game condition information saved on the memory cartridge 58 are transferred to the game console 12 for subsequent processing via cable 62 or a connector extending from the console interface. In addition, when a player wants to end a game, the player can instruct the game console 12 to save the current game conditions in the memory cartridge 58 in the interface console.

Applicant fails to see how the cited portion of Leifer teaches saving video game data to a controller. The cited language first states that information may be retrieved from the controller. This is not the same as saving video game data to a controller. The cited language also states that the game console may save the current game conditions to memory cartridge 58. Memory cartridge 58 is not in a controller. Thus, the cited language fails to disclose or suggest saving video game data to a controller.

Further, the combination of Smith and Leifer fails to disclose sending video game data to a controller to be saved. Since neither reference discloses or suggests saving video game data to a controller, the combination of Smith and Leifer fails to disclose saving video game data to a controller.

Thus, for at least these reasons, Applicant respectfully submits that claim 13 is allowable over Smith in view of Leifer. Given that claims 14-17 depend

from claim 13, Applicant respectfully submits that those claims are likewise allowable over Smith in view of Leifer for at least the reasons discussed above.

Claim 67 of the present application recites:

A game console comprising a processor, a portable media reader, a game controller including both an input device and a portable media reader-writer device, and a non-removable hard disk drive, wherein:

the portable media reader, the game controller, and the non-removable hard disk drive are coupled to the processor;

the non-removable hard disk drive stores a console application to which the game console boots;

the processor executes a video game using game instructions read from the portable media reader;

the processor receives input from the input device of the game controller;

the processor saves game data from the video game to portable media in the portable media reader-writer device of the game controller; and

the processor executes game instructions read from the portable media reader.

The Smith reference fails to disclose a game console in which “the processor saves game data from the video game to portable media in the portable media reader-writer device of the game controller” as recited in claim 67. Smith fails to disclose portable media or a portable media reader-writer device in a game controller. As discussed above with respect to claim 13, Smith fails to disclose saving video game data to a controller. Although Smith discloses a video game storage device (Fig. 1, reference number 54), Smith does not mention portable media used with a controller.

As discussed above with respect to claim 13, Smith and Leifer fails to disclose saving video game data to a controller. Accordingly, for at least these reasons, Applicant respectfully submits that claim 67 is allowable over Smith in view of Leifer.

Claims 11, 26, 32, 33, 36, and 38-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Links 386CD Players Manual. Applicant respectfully submits that claims 11, 26, 32, 33, 36 and 38-42 are patentable over Smith in view of Links 386CD Players Manual.

Regarding claim 11, Applicant submits that the Links 386CD Players Manual fails to remedy the deficiencies of the Smith reference with respect to claim 1. Accordingly, Applicant submits that the combination of Smith and Links 386CD Players Manual fails to disclose or suggest the elements of claim 1. Since claim 11 depends from claim 1, Applicant likewise submits that the combination of Smith and Links 386CD Players Manual fails to disclose or suggest the elements of claim 11. Thus, for at least these reasons, Applicant respectfully submits that claim 11 is allowable over Smith in view of Links 386CD Players Manual.

Regarding claim 26, Applicant submits that the Links 386CD Players Manual fails to remedy the deficiencies of the Smith reference with respect to claim 22. Accordingly, Applicant submits that the combination of Smith and Links 386CD Players Manual fails to disclose or suggest the elements of claim 22. Since claim 26 depends from claim 22, Applicant likewise submits that the combination of Smith and Links 386CD Players Manual fails to disclose or

suggest the elements of claim 26. Thus, for at least these reasons, Applicant respectfully submits that claim 26 is allowable over Smith in view of Links 386CD Players Manual.

Claim 36 of the present application recites:

A method comprising:

retrieving a list of recently used nicknames in a game console, wherein at least one nickname in the list of recently used nicknames is associated with a first game application, and wherein at least one nickname in the list of recently used nicknames is associated with a second game application;

displaying the list of recently used nicknames to a user of the game console; and

allowing the user of the game console to select a nickname from the list of recently used nicknames.

The Office Action admits that Smith fails to disclose retrieving a list of recently used nicknames associated with the video game installed on the game console. Office Action, page 13. Applicant submits that the Links 386CD Players Manual fails to remedy the deficiencies of Smith with respect to claim 36.

Although the Links 386CD Players Manual discloses the use of a player name, the Links 386CD Players Manual fails to disclose “at least one nickname in the list of recently used nicknames is associated with a first game application, and wherein at least one nickname in the list of recently used nicknames is associated with a second game application” (Emphasis Added) as recited in claim 36. The Links 386CD Players Manual is associated with a single game application (the Links 386 application). There is no mention of associating a nickname with a game application other than the Links 386 application. Thus, nothing in Links 386CD Players Manual suggests at least one nickname associated with a first

game application and another nickname associated with a second game application. Since neither Smith nor Links 386CD Players Manual discloses this element of claim 36, Applicant submits that the combination of Smith and Links 386CD Players Manual fails to disclose or suggest the element of claim 36.

Thus, for at least these reasons, Applicant respectfully submits that claim 36 is allowable over Smith in view of Links 386CD Players Manual. Given that claims 38-42 depend from claim 36, Applicant respectfully submits that those claims are likewise allowable over Smith in view of Links 386CD Players Manual for at least the reasons discussed above.

Applicant respectfully requests that the §103 rejections be withdrawn.

Conclusion

Claims 1-6, 8-18, 20-36, 38-42, 57-58, 60-67 and 69-71 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 10-25-04

By: 
Steven R. Sponseller
Reg. No. 39,384
(509) 324-9256